

Message Text

PAGE 01 STATE 186338

62

ORIGIN EUR-12

INFO OCT-01 ISO-00 VO-03 SCA-01 ITFE-00 INSE-00 DODE-00

DHA-02 ORM-01 L-03 EA-06 LAB-04 SS-15 HEW-02 /050 R

DRAFTED BY EUR/CAN:JHROUSE:MGH

APPROVED BY EUR:RDVINE

SCA/VO:JARIAS

IATF:GMETSON

INS/CO:MR. O'BRIEN (SUBS)

----- 106519

P 062341Z AUG 75

FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA PRIORITY

INFO AMCONSUL MONTREAL PRIORITY

LIMITED OFFICIAL USE STATE 186338

E.O. 11652: N/A

TAGS: CVIS (QUANG, DANG VAN), PFOR, CA

SUBJECT: CANADA REQUESTS USG TO TAKE BACK GENERAL QUANG

1. TURNER CALLED ON VINE AUGUST 5 TO DISCUSS QUANG CASE. TURNER SAID GOC WAS REQUIRED UNDER LAW TO ASK BOTH COUNTRY OF ORIGIN AND THE COUNTRY FROM WHICH A PERSON CAME WHETHER THEY WOULD ACCEPT A DEPORTEE. HE WAS THEREFORE MAKING SUCH A FORMAL REQUEST TO US NAMELY THAT USG ACCEPT THE RETURN OF GENERAL QUANG NOW THAT AN ORDER FOR HIS DEPORTATION FROM CANADA HAD BEEN ISSUED. TURNER NOTED THAT UNDER NORMAL PRACTICE SUCH A REQUEST IS ORDINARILY MADE OF THE STATE FROM WHICH THE DEPORTED ALIEN ARRIVED, AND IT WAS IN THIS CONTEXT THAT GOC REQUEST WAS BEING MADE.

2. VINE RESPONDED BY NOTING THAT IN CONNECTION WITH GENERAL QUANG'S PERSONAL REQUEST TO RESETTLE IN THE LIMITED OFFICIAL USE
LIMITED OFFICIAL USE

PAGE 02 STATE 186338

US, INS HAD MADE THE DETERMINATION THAT QUANG HAD NEVER BEEN LEGALLY ADMITTED TO THE US BUT HAD MERELY TRANSITTED WITHOUT A VISA ENROUTE TO CANADA. VINE NOTED THAT THIS WAS THE LEGAL SITUATION OF ALL INDOCHINA REFUGEES IN

US RESETTLEMENT CAMPS. AS QUANG HAD NOT BEEN OFFICIALLY AND LEGALLY ADMITTED TO THE US AT THE TIME HE WENT TO CANADA, THE SITUATION DESCRIBED BY TURNER OF RE-ADMITTANCE OF A DEPORTEE BY THE SENDING STATE DOES NOT APPLY TO THE US.

3. ROUSE NOTED THAT EXCHANGE OF DEPORTEES BETWEEN CANADA AND THE US IS COVERED BY A RECIPROCAL ARRANGEMENT AGREED TO IN 1949. HE SAID INS HAD DETERMINED THAT QUANG WAS NOT COVERED BY THIS ARRANGEMENT.

FYI: ACCORDING TO INS, GENERAL QUANG DOES NOT FALL WITHIN ANY OF THE CLASSES OF ACCEPTABLE DEPORTEES INCLUDED IN THE 1949 RECIPROCAL ARRANGEMENT, WHICH IS CONTROLLING. THE ARRANGEMENT, WHICH IS TECHNICAL IN LANGUAGE, PROVIDES FOR ACCEPTANCE OF ALL CITIZENS, CERTAIN RESIDENT ALIENS AND ONE OR TWO CLASSES OF NON-RESIDENT ALIENS. THAT IT DOES NOT COVER GENERAL QUANG IS MADE CLEAR BY THE AGREED DRAFT MINUTES OF THE MEETING AT WHICH THE ARRANGEMENT WAS AGREED TO: THE MINUTES STATE "THE ARRANGEMENT WOULD NOT APPLY TO 'ALIENS' ADMITTED BY THE SECOND COUNTRY FROM THE FIRST COUNTRY UNDER TERMS ENTITLING THEM TO LAWFUL RESIDENCE IN THE SECOND COUNTRY, NOR TO 'ALIENS' WHO BEING PROHIBITED IMMIGRANTS TO THE SECOND COUNTRY AT THE TIME OF ADMISSION WERE NONETHELESS GRANTED SUCH ADMISSION BY THE APPROPRIATE AUTHORITIES OF THE SECOND COUNTRY". END FYI.

4. VINE REMINDED TURNER THAT, AS WE HAD INFORMED THE CANADIAN EMBASSY ON AUGUST 2, THE USG HAD RESPONDED TO QUANG'S PERSONAL REQUEST TO SETTLE IN THE US BY ADVISING HIM THAT HE IS NOT ELIGIBLE FOR ADMITTANCE AS A REFUGEE BUT IS ENTITLED TO FILE AN APPLICATION FOR AN IMMIGRANT VISA. VINE SAID QUANG WOULD GET FULL AND FAIR CONSIDERATION OF HIS APPLICATION. VINE SAID HE UNDERSTOOD OUR PRESENT RECORDS CONTAIN NO HARD EVALUATED OFFICIAL USE LIMITED OFFICIAL USE

PAGE 03 STATE 186338

DENCE INDICATING QUANG IS INELIGIBLE. THE US COULD NOT PREDETERMINE THE OUTCOME OF QUANG'S APPLICATION WHICH WOULD BE DETERMINED BY THE FACTS OF THE CASE AND APPLICABLE LAW.

5. IN RESPONSE TO A QUESTION, ROUSE NOTED THAT AT LEAST ONE OR MORE MONTHS COULD BE REQUIRED FOR APPLICATION, QUALIFICATION AND DECISION IN THE QUANG CASE. WE HAD NO REASON TO BELIEVE THAT QUANG WOULD BE QUALIFIED FOR PREFERENTIAL STATUS, AND PRESUMABLY HE WOULD HAVE TO FOLLOW THE USUAL ROUTE OF GETTING A SPONSOR, JOB OFFER AND POSSIBLY A DEPARTMENT OF LABOR

CERTIFICATION.

6. TURNER ACCEPTED THE RESPONSE GIVEN WITHOUT COMMENT, EXCEPT TO SAY HE WOULD REPORT THE US POSITION

TO OTTAWA.

7. AFTER CHECKING FURTHER, ON AUGUST 6 DEPARTMENT ADVISED CANADIAN EMBASSY OF THE INS POSITION OUTLINED IN FYI PART OF PARA 3 ABOVE. WE ALSO NOTED THAT UNLESS QUANG COULD QUALIFY FOR PREFERENTIAL STATUS, (E.G. 6TH PREFERENCE SKILLED OR UNSKILLED WORKER IN SHORT SUPPLY) PRESENT STATE OF NON-PREFERENCE VIETNAM QUOTA INDICATED QUANG VISA APPLICATION COULD NOT BE REACHED FOR APPROXIMATELY 8 MONTHS OR MORE AFTER HE ACQUIRES PRIORITY DATE THROUGH A LABOR CERTIFICATION OR BY SHOWING HE IS EXEMPT FROM THIS REQUIREMENT.

8. IN VIEW OF THE CANADIAN REQUEST, PRESS GUIDANCE CONCERNING QUANG IS BEING AMENDED. AGREED GUIDANCE WILL FOLLOW SEPTEL. KISSINGER

LIMITED OFFICIAL USE

<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: X
Capture Date: 26 AUG 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: EXPULSION
Control Number: n/a
Copy: SINGLE
Draft Date: 06 AUG 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE186338
Document Source: ADS
Document Unique ID: 00
Drafter: EUR/CAN:JHROUSE:MGH
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: D750271-1166
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750899/baaaarjd.tel
Line Count: 132
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Office: ORIGIN EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 16 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: WITHDRAWN <06 MAY 2003 by ifshinsr, INA>; RELEASED <02 JUL 2003 by MorefiRH>; RELEASED <02 Jul 2003 by MorefiRH>; RELEASED <16 Sep 2003 by MorefiRH>; APPROVED <05 JAN 2004 by morefirh>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: n/a
TAGS: CVIS, PFOR, CA, US, (QUANG, DANG VAN)
To: OTTAWA INFO MONTREAL
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006